



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**CITY COUNCIL MEETING**

**THURSDAY, MARCH 2, 2023**

*HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005*

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Davis called the meeting to order at 7:30 P.M. and led the Pledge of Allegiance.

**ROLL CALL**

Councilmembers present: Councilmembers Cunningham, Lentz, Mackin, O'Connell and Mayor Davis

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Finance Director Yuen, Community Development Director Swiecki, City Engineer Breault, Parks and Recreation Director Leek, Senior Planner Johnson, Police Commander Garcia, Economic Development Director Bull, and Administrative Analyst Ibarra

**A. Consider any request of a City Councilmember to attend the meeting remotely under the "Emergency Circumstances" of AB 2449**

No requests were made to consider.

**REPORT OUT CLOSED SESSION**

City Attorney McMorrow also reported that at the Closed Session Special Meeting updates were provided to Council, legal counsel was given direction and no action was taken at Closed Session regarding Item D and Item E.

City Attorney McMorrow reported that updates were provided to Council, legal counsel was given direction and no action was taken at Closed Session regarding Item D.

## **ADOPTION OF AGENDA**

Councilmember Mackin made a motion, seconded by Councilmember Cunningham, to adopt the agenda as it stands. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

## **AWARDS AND PRESENTATION**

### **B. Women's History Month**

Mayor Davis read a Proclamation designating March 2023 as Women's History Month adding that the City of Brisbane City Council recognize the importance of Women's History Month as an opportunity to recognize and honor these brave, accomplished, and influential women who told – and continue to tell – our stories.

Vanessa Garcia owner of 7 Milehouse and author of the award winning book See You at the Seven: Stories from the Bay Area's Last Original Mile House, accepted the Proclamation.

## **ORAL COMMUNICATIONS NO. 1**

Michele Salmon commented on the need to see butterfly habitat protection in the quarry development's environmental impact reports.

Dana Dillworth commented that the City needs better than a granite path connection to Bay Trail.

## **CONSENT CALENDAR**

### **C. Accept Investment Report as of December 2022**

### **D. Adopt an Ordinance, waiving second reading, amending Section 13.04.420 of Chapter 13.04 of the Brisbane Municipal Code pertaining to "Sewer System"**

**(Adoption of this Ordinance is not subject to further environmental review because it is not a project under the California Environmental Quality Act (CEQA). CEQA Guidelines, section 15378 (b) (2). The purpose of this ordinance is to update the municipal code chapter relating to joint sewer laterals.)**

### **E. Support the Brisbane School District Board of Trustees decision to name the baseball field at Lipman Middle School in recognition of the Brisbane Lions Club**

### **F. Update of Commercial Linkage Fee Nexus and Feasibility Study**

(It is being recommended to authorize the City Manager to extend the scope of the City's current professional services agreement with ECONorthwest to include update of the 2015 commercial linkage fee nexus and feasibility study and authorize a one-time not to exceed amendment to the contract of \$55,000)

Councilmember Lentz made a motion, seconded by Councilmember Cunningham, to adopt consent calendar Items C-F. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

## OLD BUSINESS

### G. Sierra Point Open Space and Parks Master Plan Process Update

(Council will receive process update from consultant and provide additional direction to staff if needed)

Staff reported that CMG Landscape began their work in the Fall of 2022 by conducting a series of meetings with City staff and establishing a master planning subcommittee comprised of representatives from the Brisbane City Council, Parks and Recreation Commission, Open Space and Ecology Committee, Complete Streets Safety Committee, IDEA Committee, and Public Art Advisory Committee.

Willett Moss, Founding Partner of CMG Landscape Architecture, presented on the various draft Schemes. The schemes describe alternative character, program and experience scenarios for public consideration. The overarching framework integrates a more "naturalistic" approach from north to south, with a primarily "functional" environment that captures the marina facilities, Harbor Master's building and yacht club at the south.

Councilmember Cunningham questioned how the scope of the project changed. After more Council questions, the following public comments were made:

Quincy Bragg commented that the plan ignores the Marina.

Dana Dillworth commented that the schemes should not have features that the City already has.

Tom Heinz said he is disappointed what he has seen so far. He wants recreation not circulation.

W. Clarke Conway said sea-level rise is the issue with two issues being how to regulate the water in the lagoon and the Marina.

Anthony Walker commented that he supports the continuation of the plan and process.

Michele Salmon like what she saw as concept plans and wants a plan for the Marina.

Leesa Greenlee agreed that there are a lot of opportunities and the area is like a blank canvas.

Michael Barnes commented that bicycling is also recreation.

Paul Bouscal asked where in the Marina is the evacuation site and whether we can create a floating harbormaster office. He also added that we should take care of the habitats and the birds.

Ron Davis commented boaters wanted to be included and added we should be plan by starting with sea level rise.

Mitch Bull added that we should also be future proofing Sierra Point such as transportation mitigation (hover crafts and water taxis).

Nancy Lacsamana commented that we should consider all the public land.

City Clerk Padilla added that correspondence was received from Linda Dettmer about the plan should be from the original boundaries with parking needs and tenant needs addressed.

After a brief break, City Manager Holstine proposed to do the following:

Bring back to Council the Marina infrastructure plan for sea level rise issues

Bring back to Council a public participation plan for the Park planning

Bring back to Council a mapping of the subcommittees and how to bring back information to the Council

Councilmember Cunningham requested to make sure the plans are inclusive.

#### **H. Consider Ample Battery's Proposed Temporary Lease of City-Owned Parking Spaces**

(The purpose of this item is to consider a proposal by Ample Battery to temporarily lease a limited number of city-owned parking spaces at Sierra Point and the former Bank of America site to install EV battery changing stations. It is being recommended that the City Council authorize the City Manager to execute the lease agreement. Per the lease agreement, if approved, Ample will pay the City \$2400/month for the Marina site and \$1600/month for the Old County Road (OCR) site.)

Community Development Director Swiecki reported that in response to concerns raised at the November 2022 City Council meeting, the lease agreement has been modified to establish a fixed payment schedule based on the areas leased, not tied to the number of stations installed. The agreement has further been revised to specify hours of operation (8am to 8pm), explicitly define the operator's maintenance obligations, and clarify that ancillary improvements such as lighting and fencing would be subject to city review and approval.

After some clarifying questions of staff and applicant, Councilmember Mackin made the request to also add to the agreement that the lights will be downward facing and at the Old County Site tenant will not use the back parking lot.

After no public comment were made, Councilmembers Cunningham made the motion, seconded by Councilmember Lentz, to approve Ample Battery's Proposed Temporary Lease of City-Owned Parking Spaces and authorize the City Manager to execute the lease agreement with Councilmember Mackin's amendments regarding the downward facing lights and no use of the back parking lot at the Old County Site. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

#### **I. Second Reading to Consider SP-CRO Sierra Point Commercial District; Zoning Text Amendment 2022-RZ-4; Zoning text amendment to Title 17, Chapter 17.18 of the Brisbane Municipal Code (BMC) to update existing research and development use provisions and performance standards; and finding that this project is exempt from environment review under CEQA Guidelines Section 15183(a).**

(This item was introduced at the 2/16/23 City Council Meeting. It is being recommended to receive the second reading and consider adoption of an ordinance amending Chapter 17.18 of the Brisbane Municipal Code, to update existing research and development use provisions and related performance standards.)

Community Development Director Swiecki reported that this ordinance was introduced at the regular City Council meeting held on February 16, 2023 and passed 3-2, with a modification to continue to have City Council serve as the reviewing authority for conditional use permits rather than the Planning Commission, for facilities that would exceed National Institute of Health (NIH) Biosafety Level 3.

City Council also directed staff to conduct additional outreach, through the City's Economic Development Director, to the Sierra Point biotechnology tenants regarding the proposed changes to the animal testing use provisions.

Economic Development Director Bull, reached out to several biotechnology companies in the City and there was no negative feedback. The companies did not see the policy as a problem.

Michele Salmon asked the Council to clarify what this policy is about.

After some Council discussion, Councilmember O'Connell made a motion, seconded by Councilmember Mackin, to a receive the second reading and adopt an ordinance amending Chapter 17.18 of the Brisbane Municipal Code, to update existing research and development use provisions and related performance standards. The motion was carried unanimously by all present.

Ayes: Councilmembers Cunningham, Lentz, Mackin, O'Connell and Mayor Davis

Noes: None

Absent: None

Abstain: None

## **STAFF REPORTS**

### **J. City Manager's Report on Upcoming Activities**

City Manager Holstine briefly reported on the latest City news and upcoming events.

## **MAYOR/COUNCIL MATTERS**

### **K. Update on Committee Recruitment**

City Clerk Padilla received several applications for the committee recruitment for the Inclusion, Diversity, Equity and Accountability and the Public Art Advisory Committee. She will send out a scheduling poll to the Councilmembers to determine the date and time to interview the applicants.

### **L. Countywide Assignments and Subcommittee Reports**

City Manager stated that the Open Space Ecology Committee (OSEC) requested to review and comment on the Quarry Project Development. Councilmembers O'Connell and Mackin, the liaisons to the OSEC Committee, agree that it would be helpful to get the Committee's feedback.

The Council reported on their assignments and subcommittee meetings.

### **M. Written Communications**

Council received the following written communication from 2/17/23-3/2/23:

- Dana Dillworth (3/2/23) Images to support my Public Comments
- Steve Kerekes (3/2/23) Response to Emails
- Dana Dillworth (2/28/23) Submission to Sierra Point Open Space Consultant and council
- Nancy Tierney (2/27/23) local Sierra Club chapter wish to invite you to this upcoming webinar
- Elaine Straw (2/24/23) Comments and/or Suggestions

## **ORAL COMMUNICATIONS NO. 2**

Michele Salmon commented that she was upset that the City is losing butterfly habitat to enable the quarry development.

Paul Bouscal commented to ask Recology to downturn their lights and stop light pollution. He also asked that the City purchase the 23 Club property for senior housing.

Richard Katowski is a 43-year resident and got evicted. He asked the City to help him secure housing in the City's Bridge Housing. Brisbane is his community.

## **ADJOURNMENT**

Mayor Davis adjourned the meeting at 10:36 P.M.



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Ingrid Padilla, City Clerk